

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2024-cv-09743

Lucio Celli,

Plaintiff,

v.

New York City et al,

Defendants.

FILED  
U.S. DISTRICT COURT  
2025 MAY 28 PM 5:00  
S.D. OF N.Y.W.P.

MOTION FOR Recusal and CRIMINAL REFERRAL OF ~~CHIEF~~ JUDGE CRONAN  
for knowingly misusing his office for Livingston, Lehrburger, and Engelmayer  
as he attempts to misuse his office to cover up the fact Livingston knew the  
consequence of depriving HIV meds and now depriving me of HIV future harm  
and to protect Randi by not enforcing the order

Pursuant to 28 U.S.C. § 144 and 18 U.S.C. § 371

**PRELIMINARY STATEMENT**

Chief Judge Cronan has not only shielded his colleagues' long-running conspiracy to deprive me of HIV medication, but also ignored Magistrate Judge Lehrburger's openly prejudicial references to HIV as "God's gift" or an affliction of "weak gay men," and Lehrburger's deliberate failure to address the UFT and Randi Weingarten's pension fraud and wage theft—conduct of which the DOE had clear, prior knowledge. By insulating this combined scheme of hate-fueled bias, financial deprivation, and cover-up, Cronan has himself joined a criminal conspiracy in violation of 18 U.S.C. § 371.

**BACKGROUND**

1. **Year-Long Scheme to Deprive HIV Treatment.** Since December 2022, Chief Judge Livingston and Judge Engelmayer—at Randi Weingarten's behest—devised a plan, with Lehrburger's active participation, to withhold my HIV medication and to exclude any hearing on this life-and-death issue.
2. **Demeaning HIV Commentary.** In his R&R, Magistrate Judge Lehrburger gratuitously described my HIV status as "God's gift" and equated treatment needs with "weak gay

men,” statements that improperly inject bias and stigmatization into judicial decision-making.

3. **Pension Fraud & Wage Theft.** Despite overwhelming evidence that the UFT and Randi Weingarten orchestrated a scheme to steal my pension credits and wages, and that the DOE was aware of their misconduct, Lehrburger’s R&R omitted any reference to those claims—thereby facilitating further financial injury.
4. **Ex Parte Communications & Suppressed Audio.** Lehrburger and Engelmayer knowingly ignored audio recordings proving ex parte coordination between union counsel, Senator Schumer’s office, and court personnel. Chief Judge Livingston refused to investigate or recuse, and Chief Judge Cronan has perpetuated their obstructive orders.
5. **Cronan’s Intervention.** On May 28, 2025, Cronan affirmed Lehrburger’s R&R without addressing any of the above misconduct, effectively ratifying a multi-count conspiracy to injure my constitutional and statutory rights.

## ARGUMENT

1. **Violation of 18 U.S.C. § 371.** Cronan’s willful protection of judicial officers who conspired to deprive me of medication, stigmatize a protected class, and steal my wages and pension constitutes participation in a conspiracy to obstruct justice and to oppress me in the free exercise of my rights.
2. **Referral Under 28 U.S.C. § 144.** Cronan’s failure to correct or even acknowledge Lehrburger’s overt bias and omission of pension-fraud allegations creates an appearance of partiality requiring disqualification and referral.
3. **Code of Conduct Breaches.** Canon 2 forbids any judge from permitting impropriety or its appearance; Canon 3(A)(4)(a) bans ex parte communications. Cronan’s endorsement of his colleagues’ misconduct flagrantly breaches these canons, demanding immediate referral to both the Judicial Council and DOJ.

## PRAYER FOR RELIEF

Plaintiff respectfully requests that the Court:

1. Refer Chief Judge Cronan to the Second Circuit’s Judicial Council for investigation of judicial misconduct;
2. Refer Chief Judge Cronan to the United States Attorney for the SDNY and to the Attorney General for criminal investigation under 18 U.S.C. § 371 and related statutes; and
3. Grant any other relief the Court deems just and proper.

A handwritten signature in black ink, appearing to be 'J. Cronan' or similar, written in a cursive style.

DATED: [Date]  
Respectfully submitted,  
Lucio Celli  
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### Certificate of Service

I hereby certify that on [Date], a copy of the foregoing Motion to [Specify Relief Sought] was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

[Attorney's Name]